

**DEPARTMENT OF EDUCATION
Montpelier, Vermont**

TEAM: Commissioner's Office

ITEM: Will the State Board of Education vote to authorize the Commissioner to exercise its SQS waiver authority under State Board Rule 2121?

RECOMMENDED ACTION: That the State Board of Education vote to authorize the Commissioner to exercise its SQS waiver authority under State Board Rule 2121.

STATUTORY AUTHORITY:
16 V.S.A. § 165; State Board Rules 1260 and 2121

BACKGROUND INFORMATION:
State Board Rule 2121 presently vests in the State Board the responsibility for acting upon district requests for SQS waivers. Section 25(a)(3) of Act 44 of 2009 authorizes the Commissioner to act upon SQS waiver requests in instances where the State Board has not taken up such a request "at its next meeting." One such request was acted upon by the Commissioner as a result of the fact that the State Board's August 2009 meeting was not held. The process went smoothly, and added efficiency to the operations of both the Department and the State Board. Also, the requested waiver was able to be granted far more quickly than would have been the case if the State Board's involvement has been necessary. As proposed to the Board at its October 27, 2009 meeting, staff will provide regular updates to the Board on the manner in which all waiver requests are resolved.

COST IMPLICATIONS:
Increased efficiency; less staff time spent on item preparation; less State Board time spent on considering repetitive, straight-forward administrative matters.

STAFF AVAILABLE: Armando Vilaseca, Commissioner; Mark Oettinger, General Counsel